

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION**

| | | |
|---|---|----------------------|
| LEAGUE OF WOMEN VOTERS OF OHIO, et al. | : | |
| | : | |
| Plaintiffs, | : | Case No. 20CV003843 |
| | : | |
| v. | : | Judge Michael Watson |
| | : | |
| OHIO SECRETARY OF STATE FRANK LAROSE, | : | |
| | : | |
| Defendant. | : | |

DECLARATION OF BRIAN CLEARY

I, Brian Cleary, hereby state that I am over the age of eighteen years and am competent to testify to the following on the basis of personal, firsthand knowledge:

1. I have been employed by the Cuyahoga County Board of Elections (“the Board”) in the Ballot Preparation and Tabulation Department from 2006 to Present. Currently, I am the Manager of the Ballot Preparation and Tabulation Department and have served in this role since August of 2015. I supervise the processing of absentee ballot applications and voted absentee ballots. Previously, I was the Assistant Manager of the Ballot Preparation and Tabulation Department where I also oversaw the processing of absentee ballot applications and voted absentee ballots.
2. Every absentee ballot application is reviewed by a bipartisan team of staff members from the Ballot Preparation and Tabulation Department. First, the team ensures that every application contains all required information including the voter’s signature. Next, the team compares the information and signature on the absentee ballot application to the voter’s information and signature in Cuyahoga County’s voter registration records. If the two sets of information and signatures match, the team issues an absentee ballot to the elector. If not, then the bipartisan team issues a rejection letter to the voter, directing the voter to submit a new application. The rejection letter is a form letter generated by the county’s voter registration system. “Rejection Letter,” attached hereto as Exhibit A.
3. Generally, the Ballot Preparation and Tabulation Department reviews and processes an absentee ballot application within one day of its receipt by the Board. This means that either an absentee ballot or a rejection letter is issued to the elector within one day of the Board’s receipt of the application.
4. If an application for an absentee ballot by mail is rejected due to a non-matching signature, the bipartisan team encloses Secretary of State Form 260 with the rejection

letter. Secretary of State Form 260 is a form on which an elector can update his or her signature with the board of elections.

5. The staff members assigned to review and process absentee ballot applications by mail are directed to accept the signature on the application if they are able to identify at least one matching letter or character between the signature on the application and the signature in the county's voter registration records. Staff members presume a signature is valid and review signatures liberally, erring on the side of accepting a signature and issuing absentee ballots to eligible electors.
6. If the bipartisan team of staff members cannot determine whether a signature on an application for an absentee ballot by mail comports with the signature of the elector in the county's voter registration records, the signature is reviewed by a bipartisan supervisory team of election officials.
7. If the supervisory team cannot determine whether a signature on an application for an absentee ballot by mail comports with the signature of the elector in the county's voter registration records, the signature is reviewed by a higher level bipartisan management team of election officials.
8. If the management team cannot determine whether a signature on an application for an absentee ballot by mail comports with the signature of the elector in the county's voter registration records, the signature is reviewed by the Board's Director and Deputy Director. The Director and Deputy Director are from opposite political parties.
9. For the 2020 Presidential General Election, the Secretary of State has instructed the Board to contact an elector via telephone or email in order to notify the elector that his/her application has been rejected. However, if telephone or email contact is not possible, the Board will send the rejection letter via U.S. Mail.
10. I am familiar with the application for an absentee ballot by mail that was submitted by Plaintiff Carolyn E. Campbell for the 2020 Presidential Primary Election.
11. The Board received an application for an absentee ballot that contained Plaintiff Campbell's information and was signed on February 19, 2020. I do not know when the application was received by the Board. The signature on the application did not resemble the signature of Plaintiff Campbell in the county's voter registration records. Accordingly, the Board rejected the application. "Absentee Ballot Application," attached hereto as Exhibit B.
12. The bipartisan team who reviewed the application for an absentee ballot compared the signature on the application to the signature contained on a provisional ballot affirmation signed by Plaintiff Campbell in March of 2016. The provisional ballot affirmation form is the most-recent voter registration form of Plaintiff Campbell. "Provisional Ballot Affirmation," attached hereto as Exhibit C.

13. The Board generated a rejection letter in the county voter registration system on March 5, 2020 and mailed it, along with Secretary of State Form 260, to Plaintiff Campbell.
14. On March 20, 2020, the Board received a completed Secretary of State Form 260 from Plaintiff Campbell. The signature on the form was dated March 11, 2020. "Form 260," attached hereto as Exhibit D.
15. On March 20, 2020, the Board also received a completed Voter Registration Form from Plaintiff Campbell. The signature on the form was dated March 10, 2020. "Voter Registration Form," attached hereto as Exhibit E.
16. On April 23, 2020, the Board mailed an absentee ballot to Plaintiff Campbell. The Board never received a voted absentee ballot from her.
17. All absentee ballots (both used and unused) prepared for a federal election, such as the 2020 Presidential Primary Election, must be retained by the board for at least twenty-two months following the election. R.C. 3505.31.
18. The Cuyahoga County Board of Elections has a secure drop box that is available 24/7. A voter can use the drop box to return his/her voter registration form, absentee ballot application, voted absentee ballot, Form 260, or a completed Form 11-S without entering the board of elections' office.
19. A voter who is concerned about entering, or who is physically unable to enter, a polling location may cast a ballot curbside at his/her polling location.
20. The Cuyahoga County Board of Elections has an online application through which a voter can track the status of his/her absentee ballot application and ballot. The application may be accessed through the websites of the Ohio Secretary of State and Cuyahoga County Board of Elections.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 9/11/20.


BRIAN CLEARY

Dear Voter,

Thank you for applying to vote by mail in the November 5, 2019 General Election. Unfortunately, we cannot process your application because the signature provided does not match the signature in our records.

Please complete, sign, and return the enclosed Authorization to Update Signature on Registration Record form. Please be advised the form must be received by noon on November 2, 2019.

If you have any questions, please contact the Absentee Voting Division at (216) 443-3238. The hours of operation are Monday through Friday, 8:30 a.m. - 4:30 p.m.

Estimado elector:

Gracias por solicitar el voto por correo en la Elección General del 5 de noviembre de 2019. Desafortunadamente, no podemos procesar su solicitud debido a que la firma indicada en la solicitud no coincide con la firma que tenemos en nuestros registros.

Por favor, complete, firme y devuelva el formulario adjunto de Autorización para Actualizar la Firma en el Registro de Inscripción. Tenga en cuenta que el formulario debe recibirse antes del mediodía del 2 de noviembre de 2019.

Si tiene alguna pregunta, por favor contacte con la División de Voto en Ausencia llamando al (216) 443-3238. El horario de atención es de lunes a viernes, 8:30 a.m. - 4:30 p.m.



Vote-by-Mail Ballot Application

1. Name and address

CAROLYN ELIZABETH CAMPBELL

Name

1227 EASTWOOD AVE

Home Address

MAYFIELD HTS 44124

City

Zip Code

Mailing address (if different than home a

8950 Bradwell Pl. #206

Address / PO Box

Fiskers, IN

City

46037

Zip Code



2710153

MAHT00A

Campbell, C660@gmail.com

E-Mail

216-406-2652

Phone

2. Date of birth (must be provided)

Redacted

Do not write today's date!

(Month)

(Day)

(Year)

3. Identification (must provide one of the options below)

Your Ohio driver's license number:

(Begins with 2 letters and ends with 6 numbers)

Redacted

OR

The last four digits of your Social Security number:

Redacted

OR

Copy of a current and valid photo identification, a military identification, or a current (within the last 12 months) utility bill, bank statement, government check, paycheck, or other government document (other than a notice of voter registration mailed by a board of elections) that shows your name and current address.

4. Choose election (check only one)

MARCH 17, 2020 PRIMARY ELECTION



Democratic



Other



Nonpartisan or issues only



Republican

5. Signature (must be provided)

I wish to have a ballot mailed to me at the address listed above.

I understand that if a ballot is mailed to me and I change my mind and appear at my polling place to vote on Election Day, I will be required to vote a provisional ballot that cannot be counted until at least 11 days after the election.

I hereby declare, under penalty of election falsification, I am a qualified elector and the statements above are true to the best of my knowledge and belief. I understand that if I do not provide the requested information, my application cannot be processed.

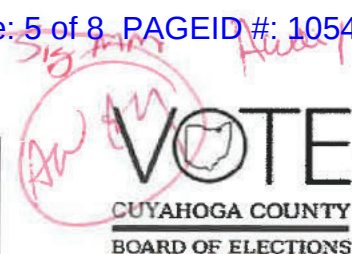
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

X

(Sign Here)

02-19-2020

(Date Signed)



Instructions

All registered voters may vote by mail.

To receive a Vote-by-Mail ballot, you must complete all five sections and return this application to the Board of Elections.

Returning your application

Please return your Vote-by-Mail application to:

Board of Elections
PO Box 89448
Cleveland, OH 44101-6448

You can also return your application in person to the Board of Elections, which is located at 2925 Euclid Avenue in Cleveland, Ohio.

A secure drop box is located in the parking lot behind our building and is accessible 24 hours a day.

Deadline

Your application must be received by noon on the last Saturday before Election Day.

Track your ballot

You can track the status of your Vote-by-Mail application and ballot on our website at: www.443vote.us

Questions?

Call 216-443-VOTE (8683)

VBM 5020_12.23.19

Clear Declaration, Exh. B

Form No. 12-0 Provided by the Secretary of State (04/02/2004)
Provisional Ballot Affirmation
 R.C. 3503.16, 3505.18, .183, .182, .185

MA HT 00A
 REP

11/09/2019 10:00:00 AM
 P1407945

| | | | |
|--|---|---|------------------------------|
| Full Name Required | 1 | First name <u>Carolyn</u> | Middle Name <u>Elizabeth</u> |
| Print clearly. | | Last name <u>Campbell</u> | Suffix <u></u> |
| Date of Birth Required | 2 | Date of Birth <u>Redacted</u> M M D D Y Y Y Y | |
| Current Ohio address Required | 3 | Street address (not P.O. Box) <u>1227 EASTWOOD AVENUE</u> | |
| | | City/Village <u>Mayfield Heights</u> | ZIP <u>44124</u> |
| Former address Not required If you do not provide your former address it will not cause your ballot to be rejected. | 4 | If you do not complete this step, it will not cause your ballot to be rejected. Have you moved without updating your voter registration? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Street address (not P.O. Box) <u></u> City/Village <u></u> State <u></u> ZIP <u></u> | |
| Identification Required Do <u>ONE</u> of the following: • Write your full Ohio driver's license or state identification card number, or • Write the last four digits of your Social Security number, or • Check the box next to the form of identification you showed to the precinct election official. | 5 | If you do not provide identification at this time, you must go to the board of elections on or before the 7th day after this election to provide a qualifying form of identification. Your Ohio driver's license number or state identification card number <u>Redacted</u> Last four digits of your Social Security number <u>Redacted</u> Military identification card <input type="checkbox"/> Current (within the last 12 months) utility bill, bank statement, government check, paycheck or other government document, other than a notice of voter registration mailed by a board of elections, that contains your name and current address <input type="checkbox"/> Photo identification that was issued by the United States government or the State of Ohio, that contains your name and current address (or your former address if the identification is an Ohio driver's license or state identification card), and that has an expiration date that has not passed <input checked="" type="checkbox"/> | |
| Affirmation Required | 6 | I solemnly swear or affirm, under penalty of election falsification, that: • I am a citizen of the United States and will be at least 18 years of age at the time of the general election. • I have lived at this same residence immediately preceding this election in which I am voting this ballot. • I am a registered voter. • I am eligible to vote. • I understand that, if the board of elections determines that I am not fully completed and correct, if the board does not, or eligible to vote in this election, or if the provisional ballot will not be counted. • I understand that, if I am not fully completed and correct, if the board does not, or eligible to vote in this election, or if the provisional ballot will not be counted. • I understand that knowingly providing false information is a violation of law and subjects me to possible criminal prosecution. • I hereby declare, under penalty of election falsification, that the above statements are true and correct to the best of my knowledge and belief. Signature X <u>Carolyn E Campbell</u> Today's date <u>03/15/2016</u> M M D D Y Y Y Y | |

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE.

For Office Use Only:

MAHT 00A
 Precinct and Party as Ballot

Print Operator Name: J.H. Wick
 2nd Verification: J.H. Wick Time/Date 3:24 PM

MAHT 00A
 Precinct and Party as Ballot

Form No. 260 Prescribed by the Secretary of State (09-17)

print clearly

Authorization to Update Signature on Registration Record

RECEIVED ON

R.C. 3501.05 (AA)

MAR 20 2020

CCBOE

I, Carolyn E Campbell

(Printed Name)

hereby authorize the


Cuyahoga

(County Name)

County Board of Elections to use my most recent

signature provided below for the purposes of updating my previous signature on file for use in my precinct's poll list or signature pollbook provided at my polling place.

My most recent signature is: (please place your signature within the signature block)



My current voting residence address on file with my county board of elections is:

1227 EASTWOOD AVENUE

(House Number and Street)

MAYFIELD HEIGHTS

(City or Village)

44124

(ZIP Code)

My date of birth is (MM/DD/YYYY)

Redacted



(Signature of Elector)

03/11/2020

(Date)

MM/DD/YYYY

80E1010 1.31.20